

07-31-02



DOCKET NO.: 00069.US1/PHRM-0319

PATENT

1646

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Roberds, et al.

Serial No.: 09/802,668

Group Art Unit: 1646

Filing Date: March 9, 2001

Examiner: O. Chernyshev

For: HUMAN ION CHANNELS

RECEIVED  
AUG 05 2002  
TECH CENTER 1600/2900

EXPRESS MAIL LABEL NO. EL926700971US  
DATE OF DEPOSIT: July 29, 2002

EL926700971US

Box ☐ NON-FEE  
☐ AF

Assistant Commissioner for Patents  
Washington DC 20231

Sir:

REPLY TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ An Amendment Responsive to the Office Action Dated January 30, 2002.
- ☐ An Amendment Supplemental to the Paper filed \_\_\_\_\_.
- ☐ Other: \_\_\_\_\_.

☐ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.

☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:

- ☐ an Independent Inventor
- ☐ a Small Business Concern
- ☐ a Nonprofit Organization
  
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the Patent and Trademark Office.
  
- ☐ Substitute Pages \_\_\_\_\_ of the Specification are enclosed.
  
- ☐ An Abstract is enclosed.
  
- ☐ \_\_\_\_\_ Sheets of Proposed Corrected Drawings are enclosed.
  
- ☐ A Certified Copy of each of the following applications: \_\_\_\_\_  
\_\_\_\_\_ is enclosed.
  
- ☐ An Associate Power of Attorney is enclosed.
  
- ☐ Information Disclosure Statement.
  - ☐ Attached Form 1449.
  - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
  
- ☐ Appended Material as follows: \_\_\_\_\_.
  
- ☐ Other Material as follows: \_\_\_\_\_.

## FEE CALCULATION

☐ No Additional Fee is Due.

				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	116	164 (20 MINIMUM)		\$9 EACH	\$	\$18 EACH	\$ 0
INDEP. CLAIMS	29	29 (3 MINIMUM)		\$42 EACH	\$	\$84 EACH	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$140	\$	\$280	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$200	\$	\$400	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$460	\$	\$920	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$720	\$	\$1440	\$
<input checked="" type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$980	\$	\$1960	\$ 1960
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$ )	minus	(\$ )
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE							\$ 1960

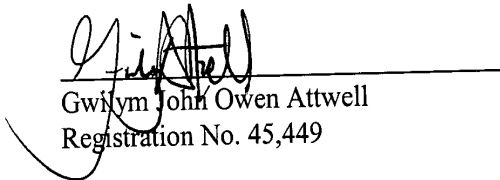
- ☒ A Check is Enclosed in the Foregoing Amount Due.
- ☒ Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of **January 30, 2002** to and through **July 30, 2002** comprising an extension of the shortened statutory period of **5** month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This

sheet is provided in duplicate.

- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☐ The Foregoing Amount Due for Filing this Paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: July 29, 2002

  
Gwynn John Owen Attwell  
Registration No. 45,449

Woodcock Washburn LLP  
One Liberty Place - 46th Floor  
Philadelphia PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439



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9/17/02Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

## RESPONSE

This paper is in response to the Restriction Requirement dated January 30, 2002.  
A petition for an extension of time and the appropriate fee accompany this response.  
Applicants respectfully request entry of the following amendment.

## In the Claims:

Please amend claim 95 to read as follows:

a' 95. (Amended) An isolated antibody which binds to an epitope on a polypeptide of claim 90.